

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**November 12, 2008**

The meeting was called to order at 3:00 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Harold Woodruff, Jack Matheson, Terri Mills, Phil Conder,

**ABSENT:** Mary Jayne Davis, Brent Fuller and Jason Jones

**WEST VALLEY CITY PLANNING DIVISION STAFF**

John Janson, Steve Pastorik, Jody Knapp, Hannah Thiel, and Karon Jensen

**AUDIENCE**

Approximately two ( 2) people were in the audience

**GENERAL PLAN CHANGE APPLICATION:**

**GP-5-2008**

**West Valley City**

**Comprehensive General Plan Update**

City staff is requesting a comprehensive General Plan update to the City's General Plan. The last comprehensive update was approved in 2000. Since that time, many changes have occurred in the City that necessitated another comprehensive update. Here's a brief look at some of the significant changes that have happened since 2000:

- Population has grown by approximately 16,000.
- About 4,500 new housing units have been constructed.
- The State selected the preferred alignment for the Mountain View Corridor and began to purchase right-of-way for the facility.
- The alignment for the West Valley light rail line was approved and construction began earlier this year.
- To create a downtown for the City, the City Center Vision Plan and City Center Zone were adopted and the City began purchasing property within City Center.
- The Valley Fair Mall renovation began in 2007.

The General Plan is a comprehensive and advisory document that provides a broad overview of the City's path into the future regarding housing, employment, recreation, transportation, and land use decisions. The Plan in and of itself does not provide specific regulations, directives, or incentives. The City uses many other tools such as specific area or issue plans, zoning and other parts of the City Code, City Council resolutions, and capital improvement projects to apply the principles contained in the General Plan.

The development of the proposed General Plan included outreach to the general public, other City departments, affected entities such as UDOT and UTA, and City residents. Throughout the process, City staff held 56 public meetings, including task force meetings, Planning Commission and City Council study sessions and public meetings, and meetings held for the public in West Valley City's opportunity corridors.

A copy of the proposed General Plan document was delivered to all Planning Commissioners.

**Staff Alternatives:**

1. Approval of the General Plan update as submitted.
2. Approval of the General Plan update subject to revisions as determined in the public hearing.
3. Continuance, for reasons determined at the public hearing.

**Applicant:**

West Valley City

**Discussion:** There was no discussion.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Conder moved for continuance on application GP-5-2008.

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Conder	yes
Commissioner Matheson	yes
Commissioner Mills	yes
Chairman Woodruff	yes

**Unanimous - GP-5-2008 – Approved**

**ZONE TEXT CHANGE APPLICATION:**

**ZT-12-2008**

**West Valley City**

The following application was continued from the October 22, 2008 hearing to allow time for staff to revise the proposed requirements for converting parking spaces in single or two-family dwellings. The proposed amendment to Sections 7-9-108 and 7-14-104 of the West Valley City Municipal Code regarding parking access and conversions for single or two-family dwellings.

**Issues:**

Staff feels language should be added to section 7-9-108 that would require a minimum width for an access to detached parking in the rear yard of a home. The language proposed is as follows:

(2) Access drives for single or two-family dwellings with detached garages, carports or other parking areas located in the rear yard of the dwelling, which provide the minimum required parking spaces, shall be at minimum of 10' wide and improved per section 7-9-115 of the West Valley City Code.

This amendment also includes a change to section 7-14-104. The proposed amendment outlines requirements for converting parking spaces in single or two-family dwellings. Staff has typically required that whenever parking is converted to other uses that whatever

is taken away, must be replaced some place else on the property. The text change to the ordinance will clarify this in more detail for residents of West Valley City as follows:

- (c) Any conversion of the required minimum off-street parking spaces to non-parking uses shall comply with the following standards.
  - (i) Homes constructed prior to March 3, 1998 must provide a minimum of 2 parking spaces per unit, located on hard-surfacing out of the front yard setback per section 7-9-104 of the West Valley City Municipal Code.
  - (ii) Homes constructed after to March 3, 1998 must provide a double car garage with interior minimum dimensions of 20 feet by 20 feet per section 7-14-105(3)(h) of the West Valley City Municipal Code.
  - (iii) The replacement parking shall be completed prior to the issuance of a certificate of occupancy for the converted parking space.
  - (iv) The replacement parking shall be continuously maintained and readily accessible from a public right-of-way.
  - (v) The access to the replacement parking shall be completed per chapter 7-9 of the West Valley Municipal Code.
  - (vi) If a garage door is present, it shall be removed along with and all necessary remnants, and the garage door opening finished with building materials and design details to match the existing house.
  - (vii) If the converted area is to be used for living space, it must be directly attached to the living space within the dwelling with an internal door or internal hallway connection.
  - (viii) Parking conversions constructed prior to ORDINANCE EFFECTIVE DATE with a building permit are considered legal non-conforming.
  - (ix) Parking conversions undertaken without a building permit, regardless of when it occurred, are considered illegal and construction of replacement parking may be required.

**Staff Alternatives:**

Approval, subject to the resolution of any issues raised at the public hearing.

Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**

West Valley City

**Discussion:** There was no discussion.

Chairman Woodruff called for a motion.

**Motion:** Commissioner Matheson moved for approval as written.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	yes
Commissioner Matheson	yes
Commissioner Mills	yes
Chairman Woodruff	yes

**Unanimous - ZT-12-2008 – Approved**

**ZT-13-2008**

**Darrin Balfour and Mark Sudbury**

**An ordinance revision amending Section 7-2-126 that addresses the division of two-family dwellings**

Mr. Darrin Balfour and Mark Sudbury are requesting an amendment to Section 7-2-126 which addresses the division of two-family dwellings. The current ordinance language allows a legally existing two-family dwelling or duplex to be divided into two separate dwellings or a twin home under certain conditions. One of those conditions is that each lot resulting from the division of a duplex lot must be at least 4,000 square feet. If approved, this ordinance would eliminate the 4,000 square foot minimum lot size and add additional standards that would verify that the property is appropriately maintained and require improvements to be made. Attached to this report is a document provided by the applicant that addresses the questions outlined on the ordinance text change application. The proposed ordinance deletions are struck out and additions are highlighted in gray. Staff worked with the applicant to develop the list of improvements.

There are about 700 duplex buildings (1,400 dwelling units) in the City. According to the City's mapping system, about 30% of these duplex buildings are on lots that are less than 8,000 square feet in area.

There are two zones in the City that are specifically for duplexes – R-2-8 and R-2-6.5. The R-2-8 zone requires a minimum lot size of 8,000 square feet and the R-2-6.5 zone requires a minimum lot size of 6,500 square feet. Most of the duplexes in the City were constructed

prior to 1980 (the year West Valley City was incorporated) under Salt Lake County's jurisdiction. For those duplexes that were built under the County's jurisdiction, the zoning requirements, if zoning was even in place, were different from those in place today.

During the Planning Commission study session on November 5<sup>th</sup>, four issues were raised concerning this application. First, vinyl siding wasn't considered an upgrade from wood or aluminum. The latest proposed ordinance does not include vinyl as an upgrade option. Second, Commissioners felt that the maintenance standards and upgrades should apply to all duplex to twin home conversions, regardless of the lot size. The latest proposed ordinance has been modified to address this issue. Third, the need for a homeowners association to coordinate maintenance was discussed. When staff raised this issue with the applicants, we received the following response from Mr. Sudbury: "I am not sufficiently acquainted with City authority to know if this should be left to the owner or could be required. Our intent would be to set up an HOA for the reasons you mention above. We are comfortable with leaving this to the wisdom/necessity of the owner with perhaps providing a strong suggestion/reasoning for establishing an HOA in the duplex to twin home conversion instructions but if City would like it required and can place this requirement, then we would not object." Fourth, Commissioners asked what the general condition of twin home properties is in the City. Staff will look at existing twin home properties and report our findings during the public hearing.

Staff supports this ordinance change for two reasons. The first reason is that even if the duplexes on lots less than 8,000 square feet are nonconforming in terms of zoning, lot area, lot width, setbacks or parking, its very unlikely that the owners of these duplexes could or would make them conforming. The Zoning Ordinance allows nonconforming buildings to continue and even rebuilt if they are destroyed by calamity or act of nature. The second reason is that this ordinance requires maintenance and improvements that may not be done otherwise.

#### **Staff Alternatives:**

1. Approval of the ordinance as submitted.
2. Approval of the ordinance with an additional standard that requires the formation of an HOA for maintenance.
3. Continuance, for reasons determined at the public hearing.
4. Denial, the ordinance should remain as it is.

#### **Applicant:**

Darrin Balfour  
9202 S. Kensington Pk Dr.

#### **Applicant**

Mark Sudbury  
2220 Murray-Holladay Rd.

#### **Present**

Donna Birdsall  
1869 S. 1750 W.

**Discussion:** Steve Pastorik presented the application. About 30% of the duplex buildings are on lots that are less than 8,000 square feet. Commissioner Matheson presented a scenario... if you were to convert to a twin home(and typically you

would have property on both sides of a division line with the actual property including fences and landscaping) and they become ownership under two separate owners each homeowner would be responsible for their share of the property. What kind of requirements would there be for them to implement the necessary upgrades? Would you require the original owner to implement the upgrades before he sells the property?

Mr. Pastorik responded as part of the application they would need to provide us with the improvements that will be made and as a condition of subdivision approval those improvements would be made to the property. One alternative would be to require the improvements before the subdivision is recorded. The other would be a condition stating that the owner must follow up within a certain time frame after the subdivision occurs. There would be a requirement to complete the improvements within a certain length of time. Currently, the ordinance is not worded clearly enough to distinguish when those improvements have to be completed. It would be a good idea to clarify by adding a phrase that states that the applicant has to complete them before the property is divided or a condition that the improvements can be completed after.

Commissioner Matheson questioned if the property owner would be filing a minor subdivision application in order to divide the property. Mr. Pastorik responded that some of these have been done as a lot split. So it is a little easier process than actually completing the minor subdivision.

Commissioner Matheson inquired, so you are not requiring a full survey on the property? Mr. Pastorik replied they will still need to have a survey; however, with a lot split there is not a plat involved.

Chairman Woodruff noted that a public hearing would not be required with a lot split application and Mr. Pastorik replied that it would be handled by staff.

### **Mark Sudbury**

Mr. Sudbury explained that he has been working with the owner, Darrin Balfour, who owns a duplex in West Valley City. I believe one standard that would greatly improve the area is landscaping as it makes properties appear more desirable and contributes to the aesthetics of the neighborhood. Inadequate landscaping is one of the primary areas of neglect that are often associated with duplex buildings. The duplex buildings that we felt had greater possibilities were the units with nice trees and landscaping clumps to help screen items in the resident's yards. Residents often place unattractive objects in their yard and it is very difficult to prevent those problems from occurring. If landscaping is implemented, it helps screen objects in the yard and blocks their view from the street to help create a more attractive residence. I believe it is beneficial to encourage some of the money to go towards landscaping and an irrigation system. By placing money into installing drip systems and timer irrigation, it would enhance neighborhood appeal more than spending a

lot of money on the building itself.

**Darrin Balfour**

Mr. Balfour explained that providing ownership will help create better neighborhoods instead of having so many rental units in the City. If dwellings are made more affordable by selling them after they are split, residents will take better care of their homes and their neighborhoods. I own a duplex and maintain the yard to help keep the duplex looking nice. Many rental units expect the tenants to do their own maintenance and the yards are not well taken care of. Our thinking is that if we can create some reasonably priced ownership, this may be very helpful.

Commissioner Matheson agreed and noted that the residents won't be as transient if they are property owners. Mr. Balfour responded that is the whole idea for the proposed amendment.

Mr. Sudbury indicated that it seems like a "win – win" situation for us and due to the fact that the buildings are existing there are not many options available for changing some of the issues that we are addressing and I believe it will be quite beneficial to the City.

Chairperson Woodruff remarked that these are all very good points and wondered if 25 points would be enough to make much of a difference. He noted that residents could change the windows, and install rain gutters and central air, however there might not be any real improvements seen in the property.

Mr. Sudbury suggested that he would like to see landscaping implemented by providing consistent themed trees down the street which would be cost effective, but have a very big impact. Many of the streets that have these improvements and have implemented a few landscaping standards have made a big difference. I would also like to see a homeowners association formed before starting redevelopment and implement some consistent themes for landscaping and believe that this would be an excellent time for taking advantage of this opportunity. Personally, I would like to see something more specific regarding landscaping and I don't believe that the building is the way to accomplish this. If a lot of cost is put into building improvements, people are not going to follow through and this would cancel out the main reason for wanting to do this. I don't believe it would provide the sense of place that can be created with landscaping. I believe that if you left every one of those buildings exactly like they are and installed nice landscaping, people would drive through and feel the nice atmosphere and would be interested in buying and fixing it up.

Commissioner Matheson agreed and mentioned that if you look at the roof lines, it would be difficult to change some of the roof lines on multi-level buildings because they are what they are. However, I think landscaping would make a huge difference.



Mr. Pastorik clarified and said that the ordinance standard states that the property owner would have to do this and that they would get extra points for providing more landscaping. The ordinance states that landscaping shall include at least one tree and a combination of lawn, shrubs or ground cover. The ground cover is required to provide at least 50% live plant material. Rock and bark mulch can be used, but only to the extent that ends up being 50% or less than the total landscaped area.

Commissioner Matheson questioned if it talks about an irrigation system?

Mr. Pastorik responded no it does not, however I think that is standard in new development for homeowners to install an automatic irrigation system and many of the new development agreements have required that the builder put in an irrigation system. The standard that I am referring to applies to all properties in the City. It may be difficult for someone to retroactively try to require someone who does not already have an automatic irrigation to be required to install one. That idea could be something that we state that is not a point option - you just have to put in an automatic irrigation system if you do not already have one in place.

Chairperson Woodruff said he felt that makes a lot of sense and then they would have to at least bring the landscaping up to the standards for new development.

Mr. Pastorik suggested, giving more points for exceeding the landscaping standards. Currently, it is just five and maybe it could be we should bump that to ten or more.

The Planning Commission were in agreement that this idea sounded very reasonable.

Mr. Pastorik explained that what staff was trying to achieve in setting this up was to have a general standard that could be enforced in the City as a whole without dictating what specific plants you were going to plant. Because this would apply to duplexes across the City it seems like we should leave the specifics to the owners as far as what type of landscaping they would use as long as it meets the minimum standards.

Mr. Sudbury remarked that as we get more involved in this, we will probably try to begin forming some associations in the larger areas where we can work with landowners to come up with some common ways for improvements. It's not practical in some of the areas that we looked at today to go in and buy one building and try and make improvements on it when the rest of the area remains the same - there needs to be a cohesive effort. While we are here proposing to amend some of the codes I guess it will be up to us to try and form some reasonable associations; however, we are always interested in what the input is from the City.

Chairperson Woodruff questioned, so you are actually looking at purchasing

duplexes and then converting them?

Mr. Sudbury responded, well Darrin owns one of the duplexes and that is what started things, but part of what I do is that I am interested in community issues and community design and in doing things that are beneficial for the community.

Commissioner Conder said that he was quite impressed with Mr. Sudbury's comments. It is quite rare that we have someone come to us and speak so intelligently about how things might work and be improved and that's what the Planning Commission is all about. I am very thankful for that and believe that it makes sense to do this. The Planning Commission had a discussion about the HOA and did not feel that it makes sense to impose and enforce those types of issues.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Conder moved for approval with an additional standard that requires the formation of an HOA for maintenance and with the following changes:

- The required improvements and any needed maintenance must be completed prior to the property being divided.
- Automatic irrigation systems are required for duplex to twin home conversions.
- The number of points assigned for enhanced landscaping shall be increased to 10.

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Conder	yes
Commissioner Matheson	yes
Commissioner Mills	yes
Chairman Woodruff	yes

**Unanimous - ZT-13-2008 – Approved**

**ZT-14-2008**

**Zone Text Change to the Height Restrictions for Accessory Buildings  
Staff Presentation by Hannah Thiel, Planner I**

**Background**

Staff is requesting a zone text change for the Height Restrictions for accessory buildings in single family residential zoning districts. This text change would add language to the Height Restrictions section that would limit storage area above accessory buildings to a maximum of five feet. Currently the ordinance only allows accessory buildings to be one

story in height. Storage area is allowed in accessory buildings as long as the area is less than a story.

The West Valley City code defines a story as a minimum of seven feet tall clear headroom. There have been some building permits where the applicant has applied for storage space that is just under the regulations for a story and are approved as they meet our city code, but often end up being used for living space above the garage. This text change would still allow storage space above the garage or accessory building, but would only allow up to five feet of storage area. In addition, this text change would note that accessory buildings in the agricultural zones that have less than half an acre of property may use the same standards for accessory buildings in residential zones for setbacks, height restrictions, as well as area coverage on a lot.

#### **Recommendations/ Staff Alternatives**

- Approval of the Zone Text Change of the Height Restrictions for Accessory Buildings subject to any conditions or text alterations placed by the Planning Commission.
- Continuance, for resolution of any issues.
- Denial of the Zone Text Change of the Height Restrictions for Accessory Buildings Ordinance.

#### **Attachments**

- Proposed Ordinance (Sections 7-6-306 and 7-6-210)

#### **Applicant:**

West Valley City

**Discussion:** Hannah Thiel presented the application. Terri Mills felt that there may be issues regarding agricultural lots that are less than .5 acre in size. She mentioned that for lots that are less than .5 acre the agricultural zone does not allow for animal rights and expressed some concerns in regard to the proposed restrictions on height.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Mills moved for approval of the Zone Text Change of the Height Restrictions for Accessory Buildings.

Commissioner Conder seconded the motion.

#### **Roll call vote:**

Commissioner Conder	yes
Commissioner Matheson	yes
Commissioner Mills	yes
Chairman Woodruff	yes

**Unanimous - ZT-14-2008 – Approved**

**ZT-15-2008**

**West Valley City**

This is a proposed amendment to Section 11-7-101 of the West Valley City Municipal Code regarding face changes in freeway-oriented pole signs.

**Issues:**

Currently, face changes in pole signs are considered an alteration, which requires conformance to the provisions of the Sign Ordinance. One of the provisions is that pole signs are not permitted on properties that are less than 10 acres. Therefore, if there is a business with a freeway-oriented pole sign located on a property with less than 10 acres they are not able to make a sign face change without removing the pole and replacing that sign with a monument sign. Typically freeway-oriented businesses, i.e. hotels, are businesses that need to be seen from a distance so people know when to exit the freeway to make it to their destination. Therefore, staff is proposing to allow face changes in existing freeway oriented pole signs with the following amendment:

**11-7-101. ALTERATIONS.**

A conconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions of this Title. All alterations shall require conformance to the provisions of this Ordinance including any physical changes to the sign panel or the sign cabinet itself. Face changes in multi-tenant signs, freeway-oriented pole signs, normal maintenance/repair, and copy changes in signs previously approved by the City with a changeable copy feature are excluded. Further exclusions include any architectural enhancements to existing multi-tenant pole signs in conjunction with a building façade remodel. The building façade remodel must be at least 25% of the front façade of the building. Overall height, size, and shape of the sign shall not be increased. Any sign that is located within or projects into the existing public right-of-way shall be made conforming when an alteration occurs.

**Staff Alternatives:**

Approval, subject to the resolution of any issues raised at the public hearing.

Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**

West Valley City

Jody Knapp presented the application.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Matheson moved for approval, subject to the resolution of any issues raised at the public hearing.

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Conder	yes
Commissioner Matheson	yes
Commissioner Mills	yes
Chairman Woodruff	yes

**Unanimous - ZT-15-2008 – Approved**

**PLANNING COMMISSION BUSINESS**

Approval of minutes from July 16; (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:45 p.m.

Respectfully submitted,

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Karon Jensen, Administrative Assistant